

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case No. 21-05034-CR-S-MDH**
)
JAMES MCKNIGHT,)
)
Defendant.)

ORDER

Before the Court is Defendant's Motion to Dismiss. (Doc. 25). The motion has been fully briefed. The U.S. Magistrate Judge Rush has submitted a detailed and thorough Report and Recommendation recommending that the motion be denied. (Doc. 31). Defendant has filed objections to the R&R. (Doc. 32). The matter is ripe for review.

Defendant has been charged by indictment with possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) and 924(e)(1) and unlawfully transporting a stolen vehicle from the State of Oklahoma to the State of Missouri.¹ Defendant moves to dismiss the indictment arguing Section 922(g)(1) is unconstitutional on its face and as applied to Defendant.

After a careful and independent review of the record before the Court and the parties' briefing, as well as the applicable law, the Court hereby agrees with and **ADOPTS and INCORPORATES** herein the Report and Recommendation of the United States Magistrate Judge (Doc. 31). The Court **DENIES** Defendant's Motion to Dismiss. (Doc. 25).

¹ The Court notes a Superseding Indictment was filed on January 23, 2024. (Doc. 34).

IT IS SO ORDERED.

Date: February 1, 2024

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE